

BONNEVILLE PURCHASING INSTRUCTIONS TRANSMITTAL SHEET

Issued by Purchasing/Property Governance – DGP-7


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SUBJECT: BPI UPDATE 12-1 EFFECTIVE DATE JUNE 15, 2012

SUMMARY OF CHANGES: An online copy of the BPI is available at <http://www.bpa.gov/corporate/business/bpi/>. The online BPI is a conformed copy with all changes included as of the current date and shall be effective until superseded. Archived editions of the BPI are retained by the Head of Contracting Activity and located in the agency approved Electronic Records Management System.

The following changes are implemented via this transmittal:

Topic	BPI section	Change	Clauses
Applicable Regulations	1.3.1	Revised clause text to reflect that BPA will provide printed BPI copies free of charge.	Revised: 1-1 Applicable Regulations
Best Buy	1.1(c) 2.2.3(b) 11 & 12 18.2 App 6-A	Clarifies CO responsibility to identify evaluation factors, relative importance of pricing and the basis of the award decision in solicitations; updated Instructions to Offerors clause; new clauses for identifying evaluation factors, reverse auctions and innovative approaches; pre-award compensation for innovative ideas deleted; documentation and DAD requirements clarified; documentation standards clarified.	Revised: 11-2 Instructions to Offerors-Competitive Acquisition 11-3 Award Decision-Technically Acceptable Lowest Price 11-4 Award Decision-Tradeoff New: 11-3.1 Reverse Auction 11-4.1 Innovative Approaches
Contractor Compliance with BPA Policies	3.7	Revises clause text to require contractor compliance with BPAM 1110 Business Use of BPA Information Technology Services Policy (Cyber Security) and the Grid Ops ISSP Policy Manual, and to correct reference to Critical Information.	Revised: 3-8 Contractor Compliance with BPA Policies
Trade Agreement Thresholds	9.4.2	Updates trade agreement thresholds.	n/a
NAFTA Patent Notification Requirements	9.3.3	Clarifies contractor notification requirements.	n/a
National Labor Relations Act-Notification of Employee Rights	10.3.1(b)	Corrected clause text and corrected clause usage prescription, with exemption for some purchases under \$150,000.	Revised: 10-6 Notification of Employee Rights under NRLA

Employment Eligibility Verification Act	10.7.3 25.1.1	1) Definition of “employees assigned to the contract” added to the text of Clause 10-18; 2) Prescription exemptions clarified: Clause 10-18 is not applicable to purchases of COTS items, to some commercial services, or with other federal agencies.	Revised: 10-18 Employment Eligibility Verification
Documentation requirements	12.8.2 Correction of related references in BPI Parts 3, 4, 6, 8, 9, 10, 13, 14, 19, 20, 22, 25	Clarifies BPI 12.8.2 identifying documentation requirements and content of the official file, Document of Award Decisions, and Record of Modification. Alignment of numerous internal BPI references to filing requirements.	n/a
Debriefing requirements	12.8.4(b)	Offerors must request debriefing within three calendar days of receipt of notice of contract award. To the maximum extent practicable, COs must debrief unsuccessful offerors within 10 calendar days of receipt of debriefing request.	New: 12-1 Debriefing Request
Labor Relations Costs	App 13-A, 8.21	Clarifies allowable costs for labor relations activities.	n/a
Minor corrections:			
Contract Dispute Act	21.3.3	Policy and clause citation changed to align with federal citation change from 41 USC 601 to 41 USC 701.	Revised: 21-2 Disputes
BPI 25	25.1.1	Corrected citations.	n/a

DETAILS OF SUBSTANTIVE CHANGES

1. Applicable Regulations, Clause 1-1 has been revised to reflect that BPA provides hard copies of the BPI free of charge upon request. COs shall use the revised clause in solicitations and contracts issued after the effective date of this BPI Update.

2. Attachment 1 has been revised to include updated clauses describing the evaluation process, identifying evaluation factors, the relative importance of pricing, and the basis of award. Clause 11-2 has been modified to describe required proposal contents and the evaluation process. Two new clauses, Clause 11-3 and 11-4, identify the basis of award as either the lowest price technically acceptable offer or a tradeoff analysis between price and non-priced evaluation factors. In all trade-off analysis solicitations contracting officers are required to state the importance of pricing relative to the non-price evaluation factors. This revision provides offerors with specific information about how BPA will select a proposal for contract award. Clause 11-3.1 is a new clause for reverse auctions, making it a subset of lowest price technically acceptable procurements. Clause 11-4.1 is a new clause for innovative approaches, making it a subset of tradeoff analysis procurements. COs should modify the proposal contents and evaluation factors in the clauses as appropriate based on their procurements.

COs are advised to amend, where possible, any open solicitations to utilize the new and revised clauses. All written solicitations issued after the effective date of BPI Update 12-1 shall include the revised clause 11-2 and the appropriate new basis of award clause.

- a. Evaluation of offers and award of contracts: Offers must be evaluated on the basis of the evaluation factors as identified in the solicitation. Solicitations are not permitted to be issued without stating the evaluation factors unless this approach is approved in advance by the HCA. Awards must be based on either a lowest price technically acceptable basis or a trade-off analysis as identified in the solicitation.
 - b. Changes in evaluation factors and changes in requirements: Additions or revisions to BPA's requirements, the evaluation factors, or the required proposal contents after the solicitation is issued shall be documented and communicated to the offerors by an amendment to the solicitation. Contracting personnel shall document the method and timing of amendment communications in the official file.
 - c. Changes in award basis: Solicitations issued using the lowest price technically acceptable award basis cannot be amended to change the basis of award to tradeoff analysis. If contracting personnel determine that the lowest price technically acceptable award basis does not adequately meet BPA's objectives the solicitation shall be cancelled and reissued using the tradeoff analysis award basis. Solicitations issued on a tradeoff analysis award basis may be awarded to the offeror with the lowest price proposal.
3. Contractor Compliance with BPA Policies: Clause 3-8 has been revised to require contractor compliance with BPAM 1110 Cyber Security and the Grid Ops ISSP Policy Manual, and to update Critical Program Information reference to Critical Information. The revised clause shall be used in solicitations and contracts issued after the effective date of this BPI Update.
 4. Notification of Employee Rights under the National Labor Relations Act: The text for Clause 10-6, Notification of Employee Rights under the NLRA, has been updated. Additionally, the clause usage prescription has been clarified to exempt procurements under \$150,000; however, indefinite quantity contracts must include the clause if the amount ordered in any year may equal or exceed \$150,000. Additionally, Clause 10-6 is not required in inter-governmental contracts with federal, state and local governments. The revised clause shall be used in solicitations and contracts issued after the effective date of this BPI Update.
 5. Employment Eligibility Verification: The text for Clause 10-18 has been updated to include a definition of employees assigned to the contract. The clause prescription has been revised to clarify the exemptions to required usage. Clause 10-18 is not required for contracts for COTS items, or for some commercial services that are part of the purchase of a COTS item. The revised clause shall be used in solicitations and contracts issued after the effective date of this BPI Update.
 6. Debriefing Requirements: Debriefing requirements at BPI 12.8.4 have been revised to require unsuccessful offerors to request a debriefing within three calendar days of receipt of award notice. COs, to the maximum extent practicable, must debrief unsuccessful offerors within 10 calendar days of receipt of the debriefing request. New Clause 12-1, Debriefing Request, must be included in all solicitations issued after the effective date of this BPI Update 12-1.
 7. Labor Relations Costs: Appendix 13-A, section 8.21, is revised to clarify the specific types of labor relations costs that are allowable costs.